

REMARKS

The Applicants thank the Examiner for withdrawing the objection to the drawings.

Request for withdrawal of finality of the rejection

The Examiner did not respond to the Applicants' remarks (filed June 12, 2000, starting with the paragraph bridging pages 11 and 12 and ending with the paragraph bridging pages 12 and 13) regarding the rejection of claims 5-10, 12, 25-30, 32 and 41-43 over McLaughlin et al. as applied to claim 4 further in view of Shafer, despite the reference to this response in the Examiner's summary. Consequently the Applicants respectfully submit that the Examiner has not complied with MPEP §§ 707 and 707.07(f) and 37 CFR §1.104, thereby rendering the Office Action incomplete. It logically follows that an incomplete Office Action cannot properly be made final. The Applicants therefore respectfully request that the finality of the rejection be withdrawn and that either the rejection of the above-identified claims should be withdrawn or the Examiner should explain why he disagrees with the remarks of the Applicants' response of June 12, 2000.

The above-identified independent claims are being amended as a compromise. The amendments to the claims emphasize that: (1) the video signal is an output signal sent to the display and not a signal from an input device such as a mouse for example; (2) the special window information is sent to the display screen and forms an image on the

screen in its undecoded state; and (3) the window decoder extracts window information from the special window information embedded in the video signal sent to the screen and the window decoder uses the special window information to generate a display control signal that is different from the portion of the picture formed by the undecoded special window information. This concept of siphoning off or detecting part of the signal sent to the screen so that it serves double duty such that both the undecoded signal and the decoded signal form different aspects of the picture is not taught or suggested by any of the references relied upon by the Examiner.

The Applicants' representative requested an interview with the Examiner to discuss the basis in the original Application for claims 44-47 and possible rewording of those claims to satisfy any concerns of the Examiner. The Applicants' representative earnestly believes that were the Examiner to have taken the time to try to understand which part of the Application the Applicants are trying to claim, mutually acceptable claim terminology could have been found. As an alternative to the above amendment the Applicants were and are willing to place the subject matter of claims 44-47 within the unamended independent claims, if that will place this application in condition for allowance. The Examiner refused to grant the interview, mischaracterizing the stated reasons for the interview as rehashing old issues. The Applicants' representative respectfully suggests that the Examiner's time could have been spent more efficiently by granting the interview which could have resulted in the allowance of this application than by spending an equivalent amount of time refusing the interview, which cannot result in the allowance of this application. Additionally, even had the Examiner and Applicants'

representative not been able to come to an agreement, at least the issues would have been better defined, which is in the best interests of both the Examiner and the Applicants.

The Applicants' request for reinstating the claims to the non-elected invention was not honored although this request was made before the final rejection when the Applicants had a right to add claims to the specification. As the Applicants did not have an obligation to cancel the non-elected claims and had a right to add claims at the time the reinstatement was requested, it follows that the Applicants had the right to reinstate them. Therefore reinstatement of the non-elected invention is again respectfully requested.

The Applicants respectfully submit that the Examiner restricted the Application into species, which he now refers to as "sub-systems." The Examiner did not deny and apparently would agree that the "sub-systems" are part of the same embodiment. However, subsystems of the same embodiment are not mutually exclusive species as required when making a species restriction requirement (MPEP 806.04(e)) whether or not they can be used separately. The Examiner did not give any other ground for the restriction requirement. The Applicants respectfully remind the Examiner that he has an obligation not to make improper restrictions whether or not the Applicants have a right to petition the restriction requirement (see for example the first paragraph of MPEP 804.01).

The Examiner characterizes the invention (page 12, the second to last sentence of the first paragraph) as "a method for using linear interpolation for the shading of parametric bi-cubic patches." The Applicants respectfully suggest that the Examiner may have confused this Application with another Application. If this statement was made in error, the Applicants respectfully request that the Examiner review his Office Action to

be sure that the other statements of this Office Action were intended for this Application. If this statement was intentional, the Applicants respectfully request an explanation.

35 USC §112, first paragraph

The Examiner rejected claims 44-47 under both the enablement requirement and the sufficient written description requirement of 35 USC §112, first paragraph.

The claimed subject matter is described using phrases such as “not visually discernible” (page 5, lines 4-7), “without causing visual distraction” (page 5, lines 12-14), “visually unobtrusive” (page 10, lines 14-18), and “should not distract the user” (page 15, lines 12-15), for example. The Applicants chose the word “indistinctive” to describe the claimed subject matter based on page 16, lines 14-18, which state

since the entire contents of video RAM 120 will be depicted on display 112, the information in first key signal 514 and in second key signal 516 should be encoded in a manner that will *not be visually distinctive* to the viewer when both key signals are depicted on display 112 (emphasis added).

Presumably, the phrase “not ... visually distinctive,” above, gives proper antecedent basis for the claim terminology of “visually indistinctive,” and satisfies 35 USC §112, first paragraph.

The Applicants are nonetheless willing to replace the word “indistinctive” with another word such as “unobtrusive”, “indiscernible” or “camouflaged” and to place the limitations of claims 44-47 within the unamended independent claims from which they depend, if that will make this application allowable, as an alternative to the above amendment.

In rejecting the claims 44-47 under the sufficient written description requirement, the Examiner alleged (page 3, the last sentence of the first full paragraph), without further explanation, that

Claims are unclear [sic] that the one ordinarily skilled in the [sic] cannot recognize the encompassed claim limitations.

This statement appears to be more relevant to the second paragraph of 35 USC §112 than the first, and therefore is not understood in the context of the first paragraph of 35 USC §112. The Applicants respectfully submit that they fail to see any problem with the clarity of claims 44-47 and the scope they encompass, which are just written in plain English. The requirement that the special window information be embedded in the video signal so as to be visually indistinct is clearly just a requirement that (1) the special window information should be embedded in the video signal and (2) the embedded information (e.g., the series of 1s and 0s) embedded in the video signal should not be noticeable or distinctive to the viewer when displayed on the screen.

In rejecting claims 44-47 under the sufficient written description requirement the Examiner alleged (page 3, the middle sentence of the first full paragraph) that

The description is not sufficient to understand how an object that is not changed when the object is 'visually indistinctive'.

Similarly, when rejecting claims 44-47 under the enablement requirement the Examiner stated (page 4, the last sentence of the first full paragraph),

Undue experimentation would be needed to make an object that is not changed when the object is 'visually indistinctive'.

The Applicants respectfully submit that claims 44-47 never mention anything about something being "not changed." Consequently, the Applicants do not understand why they need to show something about an object being "not changed" and being visually

indistinct. Clarification is respectfully requested. Nonetheless, as explained below, the Applicants acknowledge that after reading and understanding the specification one can infer that the key signals 514 and 516 appear to be a continuously gray, relatively unchanging and are placed in a position where they are not easily noticed and are therefore visually indistinctive.

In rejecting claims 44-47 under the sufficient written description requirement the Examiner alleged (page 3, the first sentence of the first full paragraph) that the

Specification does not explicitly describe nor is sufficiently clear for one of ordinary skill in art to recognize: 1) 'visually indistinctive to a viewer' in claims 44-47.

Similarly, when rejecting claims 44-47 under the enablement requirement the Examiner stated (page 4, the first sentence of the first full paragraph),

Undue experimentation and ingenuity would be required beyond one ordinarily skilled in the art to practice 1) 'visually indistinctive to a viewer' in claim 44-47.

It is not clear what the Examiner means by "to recognize: 1) 'visually indistinctive to a viewer'" or "to practice 1) 'visually indistinctive to a viewer'" However, the subject matter claimed is clearly and explicitly described in the Summary of the Invention on page 4, line 13 through page 5, line 7; on page 10 lines 11-18; and in conjunction with the FIG. 5 first key signal 514 and second key signal 516 and the timing diagram of FIG. 6 on page 14, line 21 through page 19, line 4, for example.

As an explanation, the specification states (page 4, lines 13-22),

In accordance with the present invention, special windows include key signals that enable display circuitry to identify windows to be specially processed. The key signals also include information needed by display circuitry to locate the boundaries of the portion of the content area to be specially processed. The key signals are preferably static patterns in a special window, so that no separate signals or second communication channel beyond the existing video interface are required to trigger special processing. The operating system places digital

representations of all display information, including special windows, into a video RAM in the preferred embodiment.

In other words the Applicants' invention takes the special video information in a format intended to be easily read by a window decoder and places it into key signals that are stored in video RAM. The specification continues (the sentence bridging pages 4 and 5),

A window decoder in the display detects the key signals, extracts the embedded special window information from the key signals and controls the display circuitry performing the special processing desired.

In other words, the window decoder detects the key signals and extracts the video information.

The specification also states (page 16, lines 13-18),

A second communications channel, such as a separate serial interface, is therefore not required. However, since the entire contents of video RAM 120 will be depicted on display 112, the information in first key signal 514 and in second key signal 516 should be encoded in a manner that will not be visually distinctive to the viewer when both key signals are depicted on display 112.

By storing the special video information in the video RAM a separate serial interface is not required for the special window information. Since the key signals are stored in video RAM they are sent to the screen and displayed. Ordinarily this would create a visually unappealing mess on the segment of the screen where the key signal is displayed. (The key signal contains unprocessed video information that needs to be processed to create the video information for the high luminance window.) In one embodiment to remedy the potential unsightliness of the key signal it is placed in the frame of the window as illustrated and described in conjunction with key signals 514 and 516 in FIG.

5.

Additionally, the signal is color coded to create a uniform gray throughout the key signal bars 514 and 516 as explained in the Summary of the Invention (page 5, lines 4-18).

Key signals are patterns of colored pixel (picture element) pairs. A color coding scheme enables storage of key signal information in a manner that is easily detectable by the window decoder, yet is not visually discernible, given the limited acuity of the human eye. In additive color display systems, primary colors (red, green, blue) can be mixed to produce secondary colors (yellow, cyan, magenta). If a pixel of a primary color is placed next to a pixel of an opposite secondary color (that is, one not including the primary color) of equal luminance, the resulting pixel pair resembles a single pixel that is an achromatic gray in color. ... One primary color channel serves as the data signal, and another is used as a complement to produce the achromatic gray color of pixel pairs.

The key signal color coding scheme preferably uses the remaining primary color channel in the existing video interface as a video clock signal.

This concept is further explained in the Detailed Description of the Preferred

Embodiment in page 17, line 11 through page 18, line 19,

In the FIG. 6 embodiment, window manager 314 uses green waveform 614 as a clock to clearly define the duration of individual pixels 612, which is analogous to individual pixel 612 width in a rastered display 112. Use of pixel 612 color data, represented in the preferred embodiment by green waveform 614, as a clock renders use of a second clock communicated via a second communication channel (such as a serial interface card) unnecessary. In the preferred embodiment, a rising edge of green waveform 614 clocks in preceding data. Red waveform 616 carries display data 610. A transition from a high to a low display data 610 value or vice-versa causes red waveform 616 to alter its phase with respect to green waveform 614 as shown. The blue waveform 618 is the logical inverse of red waveform 616.

The mixture of the green, red, and blue content as given in green waveform 614, red waveform 616, and blue waveform 618, respectively, determines the overall perceived color of each resulting pixel 612. In all figures, these letters denote the following colors: R=red, G=green, B=blue, C=cyan, M=magenta, Y=yellow. In additive color systems, cyan results from an equal mixture of green and blue, magenta results from an equal mixture of red and blue, and yellow results from an equal mixture of red and green. Mixing a secondary color with an opposing primary color (one not contained in the secondary color) of equal luminance generally results in a mixture that appears gray to the viewer. When a pixel 612 of a primary color (red, green, or blue) is located next to a pixel 612 of a corresponding secondary color (cyan, magenta, or yellow, respectively) of proper brightness, the resulting pair of pixels 612 approximates a single

achromatic gray pixel 612 in appearance, given the limited spatial acuity of the human eye. Display 112 thus depicts display data 610 without notable visual aberration when display data 610 is encoded into pixels 612 colored in this manner. In the preferred embodiment, a binary logic value of "1" is denoted by a yellow pixel 612 neighboring a blue pixel 612, and a binary logic value of "0" is denoted by a cyan pixel 612 neighboring a red pixel 612.

As an explanation of these passages, the coding system used to obscure the signal encoded within signal bars 514 and 516 is as follows: the timing signal of the special window information is sent to the screen within signal bars 514 and 516 as the green signal. The special window information or display data is sent to the screen within bars 514 and 516 as the red signal. The blue signal sent to the screen within bars 514 and 516 is the logical complement of the red signal. Since the red and blue signals are logical complements of one another and the green is the timing signal, the green either mixes with the red or the blue depending on whether a 1 or a 0 is being represented. The red and green form yellow and the blue and green form cyan. Thus a 0 could be represented by cyan next to red, while a 1 could be yellow next to blue. Since the pixels are so small, "given the limited spatial acuity of the human eye" (page 18, line 14) both the cyan red pair and the yellow blue pair look gray to the observer. Thus, returning to the "not changing object" referred to by the Examiner, the only two types of data that are embedded, 1s and 0s, both appear gray to the viewer and are thus "indistinctive" to the viewer. One can infer that the resulting appearance of bars 514 and 516 to the viewer is an unchanging gray.

The specification explains (page 5, lines 12-14) that

This enables the key signal to be plainly displayed in a gray window frame without causing visual distraction.

In other words, by placing the bars within 514 and 516 within the frame of 200, which is also gray, the bars 514 and 516 are unobtrusive and not very noticeable to the viewer. Thus each uniform gray bar has embedded in it the special window information in a manner that cannot be discerned by the viewer, and is placed so as to be unobtrusive and unnoticeable by the viewer or is "visually indistinctive."

The Applicants respectfully submit that it is unclear what the Examiner finds unclear with the written description in the specification, and it is likewise unclear why the Examiner believes that undue experimentation would be required for one to make the invention. As the burden of proof is upon the Examiner to establish lack of compliance with 35 USC §112, first paragraph, should the Examiner maintain these rejections clarification is respectfully requested.

Consequently the Applicants respectfully request withdrawal of the rejection of claims 44-47 under 35 USC §112, first paragraph.

35 USC §102

The Examiner stated (the paragraph bridging pages 4 and 5),

Mclaughlin teaches a window which can also be interpreted as the presence of a corresponding window manager in a video signal (fig. 1-2; col. 6, lines 47 -69).

The Applicants respectfully submit that contrary to the Examiner's assertions, independent claim 1 before amendment read "a window manager to embed special window information in a video signal." The window manager is not in the video signal as alleged by the Examiner but rather the window manager embeds the window information in the video signal. The claimed window manager is not necessarily something that is placed in a signal.

The Examiner stated (page 13, the bottom of the second full paragraph),

the input/output system which uses windows based display taught by McLaughlin allows for the use of a window system for managing the use of software applications stored in a computer system. The Examiner submits that any window driven system translates into a window manager.

The Applicants respectfully submit that this argument overlooks the Applicants' contention that pictures on a display screen do not manage anything even if they are part of a windows based system. The Examiner has not given any justification for characterizing McLaughlin et al.'s invention as a windows based system. The Applicants respectfully disagree with the Examiner's assertion that the buttons displayed on the screen are a "window manager," because they are only a display, which manage nothing, and certainly do not embed information into the video signal, as claimed. In fact windows are also just pictures on screens and cannot manage anything either. Thus the Examiner's interpretation of a "window manager" as "a window system for managing," or a window that manages, would be an oxymoron because pictures, even if they are windows, cannot manage.

Further, the Applicants respectfully submit that an interpretation of a "window manager" as a window that manages would be contrary to the norms for interpreting English and therefore contrary to the Examiner's obligation to interpret claims according to their plain meaning as explained in MPEP 2111.01. Interpretations that distort the English language are not within the breadth of the claim language. In English the modifier comes before the noun. Thus in the phrase "window manager" the rules of English grammar require the noun to be the word "manager" and the modifier to be "window," meaning that a "window manager" is a type of manager (i.e. one that manages windows) not a type of window as suggested by the Examiner. For example, a "brick

layer” is someone who lays bricks not a brick that performs layering, a “cookie cutter” is a cutter for cutting cookies not a cookie that cuts, and a soup bowl is a bowl for soup not a soup specially prepared for the bowl. Likewise a “window manager” is a manager for windows, not a window that manages.

Despite the validity of the above arguments, *the Applicants would be happy to amend the claims by replacing phrases such as “a window manager” with phrases such as “a manager of windows,” if that will make this application allowable.*

The Examiner stated (after the semicolon in the sentence bridging pages 4 and 5),
any type of circuitry which translates input entered into computer readable signals then back to human readable output is considered a window decoder.

However, the Applicants respectfully submit that a “window decoder” must decode information used for generating windows, in contrast to the implications of the above statement.

The claimed invention is “an apparatus for handling special windows in a display” (claim 1, line 1). In contrast McLaughlin et al.’s device is for calibrating the entire display and for print preproofing. It is not clear which elements of McLaughlin et al. the Examiner believes to be the “special windows in a display” (emphasis added). McLaughlin et al. has a “main window 30,” which essentially is the entire picture displayed. However, the claim requires more than one “special window” within the display.

The signals generated by the mouse or keyboard by the virtual manipulation of the buttons referred to by the Examiner also affect the entire picture displayed. In contrast the claims require the special window information to be “embedded” in the video signal. The video signal thus must have at least two parts: a first part, which is the

special window information, and a second part within which the first part is embedded. Even if *arguendo* the image on the screen of the control buttons were a “window manager” changes made using this “window manager” affect the entire picture displayed. Consequently there is no need to “embed” this information in another signal. The information that would be sent in the normal video signal could be modified without embedding anything new in it. For example, the part of the signal that normally controls the brightness for the display picture could be changed to that of a different brightness. Thus McLaughlin et al. does not necessarily “embed” anything.

The window decoder of the claims “extracts” the special window information (e.g. the logical 1s and 0s hidden in bars 514 and 516) for further processing. In McLaughlin et al. the processor processes the entire signal. No extraction of a part of a signal is inherent or disclosed.

Regarding claims 3 and 23, the Examiner stated (the full paragraph of page 14) that

the circuitry taught by McLaughlin in [sic] application specific in that all computer readable code stored in computer readable media is designed to only work on specific type [sic] of integrated circuits

However, the Examiner’s interpretation of an “application specific integrated circuit” (or ASIC) ignores the fact that the claim language in question is a term of art. Additionally, the Applicants respectfully submit that vendors of software usually advertise the portability of their software and go to great pains to make sure that their programs run on nearly any machine no matter the specific integrated circuits used in its assembly, contrary to the Examiner’s assertions. The Applicants respectfully submit that the word “application” refers to the function of the integrated circuit and does not necessarily refer

to software stored on computer readable media. Also as pointed out above the rules of English grammar dictate that the modifier precedes the noun. Thus the phrase “integrated circuit” corresponds to the noun or noun phrase and the phrase “application specific” is its modifier. Consequently, contrary to the Examiner’s assertions, the Applicants respectfully submit that according to English grammar an application specific integrated circuit is an integrated circuit that runs only one application not an application that runs on only one integrated circuit.

Regarding claims 44 and 45 the Examiner wrote (the second and third full paragraphs of page 6),

McLaughlin discloses special window information that is embedded in the video signal so as to be visually indistinctive to a viewer (fig. 2).

The Applicants respectfully submit that the Examiner’s statement is nothing more than an unsupported assertion parroting the claim language and then asserting that it is shown in FIG. 2. There are not any camouflaged or hidden objects in FIG. 2. Every object shown on McLaughlin et al.’s display is intended to be visually distinct. The point of claims 44 and 45 is that even if *arguendo* the buttons and controls shown on the display screen of McLaughlin et al. were somehow a “window manager” and even if *arguendo* the associated calibration information could be called “special window information” which is embedded in a video signal, that window information is intended to be seen and understood by the viewer. For example, the setting on the brightness control informs the viewer how bright the display is set and numbers depicting the width and height settings of the main window are clearly displayed for the viewer’s interest. In contrast the 1s and 0s of the key signals or bars 514 and 516 of the Applicants’ invention cannot be read by the viewer. No matter the pattern of 1s and 0s embedded in bars 514 and 516 the viewer

just sees gray bars, which themselves cannot be easily distinguished from the rest of the gray window frame in which they are located. The Applicants respectfully submit that this concept, as expressed not only in claims 44 and 45 but also in claims 46 and 47, is not even remotely suggested or taught by any of the references relied upon by the Examiner.

35 USC 103

The Examiner maintained the rejection of claims 2 and 22 under 35 USC §103 over MacLaughlin et al. as applied to claim 4 further in view of Fisher. However, although the Examiner stated that he is responding to the Applicants' remarks about hindsight, the Examiner merely repeats his earlier stated rejection almost verbatim. The Examiner continued to rely on the rationale provided by the Applicants in their specification in the last sentence of page 12, which the Applicants respectfully submit is practically the definition of hindsight. The Examiner never gives an alternative rationale or supplies an alternative source for the Applicants' rationale as a basis for the rejection.

The Examiner maintained the rejection of claims 5-10, 12, 25-30, 32 and 41-43 under 35 USC §103 over McLaughlin et al. as applied to claim 4 further in view of Shafer. The Applicants respectfully submit that they gave a detailed explanation as to why the proposed combination of McLaughlin et al in view of Shafer is flawed. However, the Examiner never responded to these remarks. A response is respectfully requested. The Applicants respectfully submit that if the Examiner's lack of response was intentional, it indicates that the Examiner does not have a response, in which case the Applicants respectfully request that this rejection be withdrawn.

Regarding claim 5, the Examiner apparently relied on the bar graph of column 1, lines 45-60 of Shafer's admitted prior art. Shafer however teaches away from using this bar graph and instead prefers to dim the picture, suggesting that the Examiner's proposed modification would be unobvious. In addition to the problems pointed out in the prior response, which the Examiner has yet to answer, the claimed color video signal is not used as a sleep timer for shutting something off as in Shafer but as a "video clock signal for said window information" which is a video clock signal used for the timing of the special window information, which is a very different concept.

Regarding claim 6, the Applicants respectfully submit the Examiner never explained which part of McLaughlin et al. or Shafer teaches that the "key signals include ... information to encode a target area position" as claimed. Although the Examiner stated (page 8, the middle sentence of the first full paragraph),

McLaughlin teaches the use of a window which can be understood as the presence of a software program for interpreting as information for encoding a target area position (fig. 2).

The Applicants respectfully submit that the Examiner has not shown any of McLaughlin et al.'s signals to be "key" signals. Further, the implication of the Examiner's statement is that every window on a screen implies the presence of a program to generate it and that this program is a window manager and window decoder. Following the Examiner's logic every icon displayed implies the presence of another program to generate it and this program would be an icon manager and decoder. However the Applicants respectfully submit that the Examiner's logic is incorrect because there is no need for a different manager and decoder each one specialized for each type of object displayed on a screen (e.g., a special bicycle manager and decoder for displaying bicycles and a special football

manager and decoder for displaying footballs are unnecessary). Similarly the Applicants respectfully submit that a special window manager and/or separate treatment of the window via a window decoder to display a window on a screen, as claimed, are unnecessary and therefore not inherent, contrary to the implications of the Examiner's statements.

Regarding claim 7, the Applicants respectfully submit that contrary to the Examiner's assertions Shafer does not disclose "pixel pairs." Although Shafer uses the notation "R-Y, G-Y, and B-Y" in the parentheses of column 6, line 52, the Y refers to the brightness of the R, G and B signals, which is presumably controlled by the gain amplifier 106. Shafer does not discuss "pixels" in conjunction with his FIG. 4, and therefore cannot disclose the claimed "pixel pairs."

Regarding claims 8, 28 and 41 the Examiner refers to the OK button 62 of FIG. 6 as a "start sequence." However a single button does not constitute a "sequence," and therefore is not a "start sequence." Further, one presses the OK button when all the settings are OK, which typically ends the calibration or preproofing session. Thus McLaughlin et al.'s OK button may be a finish icon, but is not a "start sequence." The Applicants respectfully submit that FIGs. 6 and 7 do not show any code sequence, contrary to the Examiner's assertions. Consequently McLaughlin et al. certainly never discuss code sequences for distinguishing key signals having the special window information and the rest of the data sent to the screen, as claimed. McLaughlin et al. never teach separating the window information from the rest of the data, and even if they did, there would be no necessity to use "code sequences" for distinguishing key signals from the rest of the video signal.

The Applicants note that the “data” of claim 8 refers to the data sent to the screen in claim 4, which includes the special window information separated out from it in claim 8. Thus in claim 8 the step of including the code sequence to distinguish between the special window information and the rest of the data is placed in the data sent to the screen so that it can be read from the signal sent to the screen. In other words claim 8 has a more distinct requirement that a portion of the very same signal sent to the screen thereby creating the picture is also being sent to the window decoder (as specified in claim 1) to give it the special window information for creating the special windows and includes a code sequence to distinguish the special window information from the rest of the data, which is not taught or suggested by the references relied upon by the Examiner.

The Applicants respectfully submit that contrary to the Examiner’s assertions, McLaughlin et al. does not disclose the details of how they create their windows and therefore cannot disclose a horizontal and vertical offset sequence, a stop sequence or a CRC check sum. None of the words “CRC,” “check” or “sum” appear in McLaughlin et al. and a CRC check sum is not inherent in creating an image or a window on a screen.

Regarding claims 9 and 29, McLaughlin et al. never even discuss the claimed “differential” and “nondifferential” signals. There is nothing in icons 61 and 62 that would force them to use differential or nondifferential signals, let alone both, as claimed.

Regarding claims 10 and 30, although FIGs. 3-6 of McLaughlin et al. show numbers in boxes, they are each individual numbers not number sequences. These numbers indicate other things, such as how much blue, red and green are in the image; they do not “indicate a number of special windows,” as claimed.

Regarding claims 11 and 31, the Examiner stated (page 11, the second sentence of the second to last full paragraph),

Priem teaches a method or sequence of instructions which can be interpreted as indicating a shape of said target area when said target area is not rectangular (fig. 1; col. 3, lines 19 - 70).

The Examiner further stated (the last sentence of the paragraph bridging pages 14 and 15), "All computer code used for producing output is a sequence." The Applicants respectfully submit that the Examiner does not appear to be giving the claims their plain meaning as required by MPEP 2111.01. The Applicants respectfully submit that contrary to the Examiner's assertions a sequence of "instructions" cannot be interpreted as a sequence of shapes, because "instructions" are the lines of programming code never seen by the user. Additionally the Applicants respectfully submits that claims 11 and 31 require a sequence of shapes that are used for the target area of the key signals, not a sequence of shapes used for constructing a computer program. It is not clear to what "instructions" the Examiner was referring. Priem never explicitly discloses "instructions" in column 3 (which ends with line 68 in the middle of a sentence). Priem only shows one non-rectangular window shape in FIG. 1. The claimed "sequence of shapes" (emphasis added) must include plural non-rectangular shapes that must be arranged in some sort of "sequence" in contrast to FIG. 1 and column 3 of Priem. Consequently the Applicants respectfully submit that they do not see how Priem teaches a "sequence of shapes."

The Examiner accused the Applicants of referring to issues that are not mentioned in claims 11 and 31 without specifying to which issues he referred. Clarification is respectfully requested.

The Examiner has not responded to the Applicants' remarks about the Examiner not showing a teaching within the prior art for the motivation he supplied for making the combination as required by MPEP §§ 2143 and 2143.01.

Regarding claims 12 and 32, the Applicants respectfully submit that the Examiner is ignoring the word "sequence" in the phrase "selection sequence." The Applicants respectfully submit that FIG. 6 of McLaughlin et al. does not show a selection sequence of any kind, contrary to the implications of the Examiner's statements.

Regarding claim 25 the Examiner stated (the last full paragraph of page 9),

McLaughlin teaches ... transmitting a first color signal serving as a video clock signal for the special window information, ...(col. 2, lines 13-60)

The Applicants respectfully disagree. Although column 2, lines 13-60 mentions the gamma and the white point, it never even discusses color signals *per se*. Further, using one of the color signals as the clock signal is not taught or suggested by any of the references relied upon, and is a highly innovative step.

Regarding claim 26, in addition to the comments made with regard claim 6, the Applicants respectfully submit that contrary to the implications of the Examiner's assertions images can be formed on screens from purely analog signals without any "bits" of data.

Regarding claim 27, in addition to the comments made in reference to claim 7, the Applicants respectfully submit that contrary to the Examiner's assertions although column 2, lines 13-60 mention pairs of icons and discuss the gamma and white point, they never discuss "pixel pairs." Column 2 never even explicitly discusses "pixels." Usually pixels on a CRT such as McLaughlin et al.'s are grouped into groupings of three pixels (e.g. red, blue and green) or four pixels (e.g. red, blue, green, and white, where the

white pixel helps control the brightness). The claimed usage of “pixel pairs” is highly innovative and is not taught or suggested by the references of relied upon by the Examiner.

Regarding claims 42 and 43, see the explanation above made in reference to claim 21 in the discussion of the 35 USC §102.

Regarding claims 46 and 47, see the discussion above relating to claims 44 and 45 in the discussion of the 35 USC §102.

SUMMARY

The Applicants respectfully submit that the Examiner attempted to stretch the claim language beyond the normal grammatical usage of English and asserted many of the claimed features as being incorporated within references that never really discuss the concepts the Examiner alleged as being taught.

McLaughlin et al. do not teach to “embed” any special window information within video signals. McLaughlin et al. teach a system for preproofing prints and calibrating the entire display, not a system for handling special windows, as claimed. McLaughlin et al. has one main window 30 which is essentially the entire displayed picture rather than having more than one special window (i.e., the claimed “special windows”). McLaughlin et al. do not teach “extracting” special window information. McLaughlin et al. do not disclose a “window manager” which as claimed must be a manager of windows, because pictures even of windows cannot manage anything. McLaughlin et al. does not disclose a window decoder.

The Applicants respectfully submit that the Examiner did not respond to the Applicants’ remarks showing that the rejection of claims 5-10, 12, 25-30, 32 and 41-43 over McLaughlin et al. as applied to claim 4 further in view of Shafer is flawed, indicating that the Examiner does not have a response (Cf. MPEP 707.07(f) which cites *In re Herrmann* 261 F.2d 598, 120 USPQ 182 (CCPA 1958) and *In re Soni*, 54 F.3d 746, 34 USPQ2d 1684 (Fed. Cir. 1995), with regard not answering an argument being tantamount to agreeing with it).

Further the Applicants are requesting withdrawal of the finality of the Office Action of paper #8 because that Office Action was incomplete.

Therefore, the Applicants respectfully request that the Examiner withdraw the restriction and rejections under 35 USC §102 and §103 and allow this Application.

Respectfully submitted,

Richard D. Cappel Sr. et al.

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By: _____



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